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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

18 MICHELE MAZUR, individually and for all
others similarly situated,

Plaintiff.

vs.

21 EBAY, INC., HOT JEWELRY
22 AUCTIONS.COM d/b/a JEWELRY
OVERSTOCK AUCTIONS, HOT JEWELRY
23 AUCTIONS.COM d/b/a PARAMOUNT
AUCTIONS, and DOES 1-100, inclusive.

Defendants.

Case No. C 07 3967 MHP

**JOINT CASE MANAGEMENT STATEMENT
OF PLAINTIFFS AND DEFENDANT HOT
JEWELRY AUCTIONS.COM**

Date: November 5, 2007

Time: 4:00 p.m.

Ctrm: 15

Judge: Hon. Marilyn Hall Patel

26 Defendant Hot Jewelry Auctions.com d/b/a Jewelry Overstock Auctions and Paramount
27 Auctions ("HJA") hereby joins in the Joint Case Management Statement and Proposed Order of
28 Plaintiffs and Defendant eBay filed October 22, 2007 ("October 22 Case Management

1 Statement"). As noted herein, HJA adds additional information where relevant. HJA and Plaintiff
 2 Michele Mazur ("Plaintiff") request that the Court issue an appropriate Case Management Order.

3 **1. Jurisdiction and Venue**

4 In addition to the description provided in the October 22 Case Management Statement, in
 5 which HJA joins, HJA hereby adds:

6 In addition to the description provided in the October 22 Case Management Statement, in
 7 which HJA joins, HJA hereby adds:

8 HJA has moved to stay this action pending arbitration. Pursuant to the Dispute Resolution
 9 provision provided in HJA's Terms and Conditions the arbitration is to take place in Los Angeles
 10 California.

11 **2. Facts**

12 **A. Brief Description of the Parties Involved**

13 In addition to the description provided in the October 22 Case Management Statement, in
 14 which HJA joins, HJA hereby adds:

15 Defendant HotJewelryAuctions.com is a website owned by Hill Street Jewelers USA, Inc.,
 16 a California corporation, that uses the registered eBay User IDs Jewelry Overstock Auctions and
 17 Paramount Auctions.

18 **B. Overview of Plaintiff's Allegations**

19 HJA hereby joins in the overview provided in the October 22 Case Management
 20 Statement.

21 **3. Legal Issues and Motions**

22 In addition to the description provided in the October 22 Case Management Statement, in
 23 which HJA joins, HJA hereby adds:

24 HJA has moved to stay this action pending arbitration based on the Dispute Resolution
 25 provision provided in its Terms and Conditions.

26 **4. Amendment of the Pleadings**

27 HJA hereby joins in the statement provided in the October 22 Case Management
 28 Statement.

1 **5. Evidence Preservation**

2 In addition to the description provided in the October 22 Case Management Statement,
 3 HJA hereby adds:

4 HJA has instituted evidence preservation practices with respect to evidence that is
 5 potentially relevant in this action.

6 **6. Disclosures**

7 HJA hereby joins in the statement provided in the October 22 Case Management
 8 Statement.

9 **7. Discovery**

10 In addition to the description provided in the October 22 Case Management Statement, in
 11 which HJA joins, HJA hereby adds:

12 The parties propose to revisit the timing for initial disclosures and the discovery schedule
 13 at a later date following resolution of HJA's motion to stay pending arbitration.

14 **8. Class Actions**

15 HJA hereby joins in the statement provided in the October 22 Case Management
 16 Statement.

17 **9. Relief**

18 In addition to the description provided in the October 22 Case Management Statement, in
 19 which HJA joins, HJA hereby adds:

20 HJA denies the allegations of the Complaint and denies the Plaintiff is entitled to the
 21 requested relief.

22 **10. Settlement and ADR**

23 In addition to the description provided in the October 22 Case Management Statement, in
 24 which HJA joins, HJA hereby adds:

25 HJA has moved stay this action pending arbitration. Plaintiff has not yet agreed to submit
 26 to arbitration.

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1 **11. Consent to Magistrate Judge**

2 HJA hereby joins in the statement provided in the October 22 Case Management
 3 Statement.

4 **12. Other References**

5 HJA has filed a motion to stay this action pending arbitration and, in accordance with that
 6 motion believes this case is suitable for binding arbitration.

7 **13. Narrowing of the Issues**

8 HJA hereby joins in the statement provided in the October 22 Case Management
 9 Statement.

10 **14. Expedited Schedule**

11 HJA hereby joins in the statement provided in the October 22 Case Management
 12 Statement.

13 **15. Scheduling**

14 In addition to the description provided in the October 22 Case Management Statement, in
 15 which HJA joins, HJA hereby adds:

16 The parties propose to revisit the timing for scheduling expert discovery and pretrial
 17 issues, if necessary, at a later date following resolution of HJA's motion to stay the action pending
 18 arbitration.

19 **16. Trial**

20 In addition to the description provided in the October 22 Case Management Statement, in
 21 which HJA joins, HJA hereby adds:

22 The parties propose to revisit the issue of whether the case will be tried to a jury or the
 23 court and the expected length of the trial, if necessary, at a later date following resolution of HJA's
 24 motion to stay the action pending arbitration.

25 **17. Disclosure of Non-party Interested Entities or Persons**

26 In addition to the description provided in the October 22 Case Management Statement,
 27 HJA hereby adds:

28

1 HJA, pursuant to Civil L.R. 3-16, states that the following listed persons, associations of
 2 persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have
 3 a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have
 4 a non-financial interest in that subject matter or in a party that could be
 5 substantially affected by the outcome of this proceeding:

6 Hill Street Jewelers USA, Inc., a California corporation, is the owner of the website
 7 HotJewelryAuctions.com and uses the registered eBay User IDs Jewelry Overstock Auctions and
 8 Paramount Auctions.

9 Dated: November 2, 2007

10 ALLEN MATKINS LECK GAMBLE
 11 MALLORY & NATSIS LLP
 12 STEPHEN S. WALTERS
 13 CATHY A. HONGOLA

14 By: /s/ Stephen S. Walters

15 STEPHEN S. WALTERS
 16 Attorneys for Defendant
 17 HOT JEWELRY AUCTIONS.COM d/b/a
 18 JEWELRY OVERSTOCK AUCTIONS and
 19 PARAMOUNT AUCTIONS

20 Dated: November 2, 2007

21 BALESTRIERE PLLC
 22 MATTHEW SIROKA
 23 JOHN BALESTRIERE
 24 CRAIG LANZA

25 By: Craig Lanza

26 CRAIG LANZA
 27 Attorneys for Plaintiff
 28 Michele Mazur

1 Attestation Regarding Signature: This document is being filed electronically under my
2 User ID and Password. Pursuant to General Order 45, Section X.B, I hereby attest that
3 concurrence in this filing of this document has been obtained from the other signatory to this
4 document.

5 I declare under penalty of perjury under the laws of the United States that the foregoing is
6 true and correct. Executed November 2, 2007 in San Francisco, California.

7 /s/ Stephen S. Walters
8 Stephen S. Walters
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1 **CASE MANAGEMENT ORDER**

2 The Joint Case Management Statement and Proposed Order herein is hereby adopted by
3 the Court as the Case Management Order for the case and the parties are ordered to comply with
4 this Order.

5 **IT IS SO ORDERED.**

6 Dated: _____

7 Honorable Marilyn Hall Patel
United States District Court Judge

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